

**DEPARTMENT OF THE TREASURY
FEDERAL LAW ENFORCEMENT TRAINING CENTER
GLYNCO, GEORGIA 31524**

FLETC DIRECTIVE (FD)

NUMBER: 66-30.B

Subject:

DATE: 01/18/90

Sunset Review:

VOLUNTARY LEAVE TRANSFER PROGRAM

1. PURPOSE. This directive establishes the five-year voluntary leave transfer program that permits the donation of accrued annual leave of Federal Law Enforcement Training Center (FLETC) employees to other Federal employees for medical emergencies.

2. SCOPE. This directive applies to all Federal Law Enforcement Training Center personnel.

3. BACKGROUND. P.L. 100-566, The "Federal Employees Leave Sharing Act of 1988" (5 U.S.C. Section 6331, et seq.) and regulations issued by the Office of Personnel Management authorized agencies to establish a five-year experimental program under which the accrued annual leave of employees may be voluntarily transferred for use by other employees who need such leave because of medical emergencies. The program establishes criteria concerning the 80-hour without pay stipulation, medical/ professional certification, anticipated duration, self/family limitation, recipient prohibitions, donation limitations, leave depletion requirements, accrual limitations, and restoration of unused donated leave. This authority terminates October 31, 1993.

4 REFERENCE.

- a. Public Law 100-566. Federal Employees Leave Sharing Act of 1988
- b. Title 5, Code of Federal Regulations Part 630.901 through 630.915, Voluntary Leave Transfer Program.
- c. Human Resources Directorate Manual Bulletin No. 89-03.
- d. FLETC Directive No. 66-30, Absence and Leave.
- e. FLETC Directive No. 66-00, General Policies Concerning Employee Time and Attendance.

5. DEFINITIONS.

a. Employee. A current Federal employee who is covered by the leave provisions of 5 U.S.C. Chapter 63, Subchapter 1.

b. Family Member. Family member means the following relatives of the employee:

(1) Spouse, and parents of the spouse;

(2) Children, including adopted children, and their spouses;

(3) Parents;

(4) Brothers and sisters, and their spouses and;

(5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. Leave Donor. An employee who has made a voluntary written application to transfer annual leave to the annual leave account of an approved leave recipient selected by the donor.

d. Leave Recipient. An employee whose application to become eligible to receive annual leave from the annual leave accounts of other employees has been approved.

e. Medical Emergency. A medical condition of an employee or an employee's family member that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. A medical emergency must result in an employee being absent from duty without available paid leave for a minimum of 80 hours (or, in the case of a part-time employee, the average number of hours of work in the employee's bi-weekly tour of duty).

f. Paid Leave Status. The administrative status of an employee while the employee is using accrued annual or sick leave.

g. Transferred Leave Status. The administrative status of an employee while the employee is using transferred leave.

6. POLICY. The FLETC will permit the transfer of annual leave between employees in approved situations involving medical emergencies. However, the voluntary leave transfer program in no way alters Management's continuing responsibility and authority to administer the general leave Program .

7. RESPONSIBILITIES.

a. The Personnel Officer shall be responsible for administering the program and making qualification determinations regarding potential leave recipients.

b. The appropriate Assistant Director shall be responsible for approving or disapproving all requests from employees for donations under the Leave Transfer Program.

c. The leave requester's supervisor shall be responsible for notifying him/her of the approval to become a leave recipient and of the amount of donated leave available for use. The supervisor will report any changes in the medical emergency to the Personnel Officer.

d. The Budget and Finance Division (Payroll) shall be responsible for allocating the donated leave to the recipient, maintaining appropriate records on leave donated and received, and accounting for unused donated leave. Payroll will notify the supervisors and timekeepers of an approved leave recipient's transferred leave status, and the amount of donated leave available. Payroll will also notify the donor's timekeeper of the number of donated annual leave hours and the return of any unused hours.

e. The leave recipient shall be responsible for requesting leave donations and for notifying his/her supervisor of any change in the medical emergency.

f. Timekeepers shall be responsible for maintaining leave balances on time and attendance cards. Throughout the leave recipient's medical emergency, timekeepers must maintain close communication with Payroll to ascertain the number of hours being donated to the employee.

8. PROCEDURES. Employees who need additional sick or annual leave due to unanticipated severe illness, or family member's illness, may request donations of annual leave. If an employee is unable to personally submit a request due to the medical situation, an application may be submitted on his/her behalf by a personal representative. Any information in support of an employee's application for donated annual leave becomes a record under the Privacy Act, which limits the disclosure of such records without the consent of the subject employee.

a. In order to qualify as a leave recipient, the medical emergency must be expected to meet or exceed 80 hours absence from duty without available paid leave (or, in the case of a part-time employee, the average number of hours of work in the employee's bi-weekly tour of duty).

b. Optional Form 630, Leave Recipient Application Under the Voluntary Leave Transfer Program (Attachment 1) should be submitted by the requesting

employee to the Personnel Officer for determination that a medical emergency exists. Attached to this form must be a certification from one or more physicians, or other appropriate expert, with respect to the medical emergency and its expected duration.

c. The Personnel Officer will make a recommendation for approval/disapproval to the appropriate Assistant Director who will make a final decision on each request within ten workdays of the request date.

d. No transfer of annual leave shall be made to a donor's immediate supervisor.

e. Once an application is approved, the leave recipient may solicit donations of annual leave. If necessary, the Personnel Division will assist in canvassing for annual leave donations by issuance of a memorandum. The confidential or privileged details of the employee's situations will not be disclosed unless the recipient authorizes disclosure in writing.

f. The soliciting of donated leave may not disrupt the work place, and there shall be no coercion of any type to obtain leave donations from employees.

(1) Solicitation from employees in other bureaus may be done only if donated leave within the FLETC is insufficient and there is a likelihood that solicitation of employees of another bureau will produce significant amounts of donated leave. Such solicitations must conform to the procedures used by the other bureaus and the donor's bureau must approve the donor's application.

(2) Leave transferred from outside the Department of the Treasury will be accepted only when:

(a) the donation is from a family member of the leave recipient, or

(b) the amount of annual leave transferred from leave donors employed by the Department of the Treasury may not be sufficient to meet the need of the leave recipient; and

(c) the donation from an employee of another agency has been approved by that employee's agency.

g. Leave may not be transferred from a donor's leave account to any other leave account more often than once every four pay periods. The minimum amount of leave which may be transferred is four hours. Employees may not donate more than a total of one-half of the amount of annual leave they would be entitled to accrue during the leave year in which the donation is made. In the case of a leave donor who is projected to have annual leave that would otherwise be subject to forfeiture at the end of the leave year, the maximum amount that can be donated also may not exceed the amount of work hours remaining in the leave year.

h. Employees willing to donate annual leave for use by a leave recipient will complete Optional Form 630-A, Request to Donate Annual Leave to Leave Recipient (Within Agency) Under the Leave Transfer Program (Attachment 2), or Optional Form 630-B, Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program (Attachment 3), and submit it through supervisory channels to the Personnel Officer. Upon receipt of the approved Leave Transfer Authorization Form, Payroll will record the information on FTC-PER-34, Voluntary Leave Transfer Program Worksheet/Log (Attachment 4).

9. USE OF TRANSFERRED ANNUAL LEAVE.

a. A leave recipient must deplete all of his/her own accrued annual and sick leave, or annual leave only, depending on the nature of the medical emergency, prior to using any transferred annual leave.

b. Transferred annual leave shall be used first to liquidate any period of annual or sick leave advanced for the recipient's medical emergency.

c. An employee who is actually in a transferred leave status, will continue to earn and accrue both annual and sick leave. However, the maximum amount that may be accrued cannot exceed 40 hours (or in the case of part-time employees, the number of work hours in the employee's weekly scheduled tour of duty).

d. Leave recipients shall be responsible for notifying their supervisor immediately upon termination of the medical emergency. Payroll shall monitor, through the leave recipient's supervisor, the status of the medical emergency.

e. When the medical emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient may be granted. Any unused transferred leave will be restored to the annual leave account(s) of the donor(s) in whole hour increments. Unused transferred annual leave may be restored try:

(1) crediting the donor's annual leave account in the current leave year;

(2) crediting the donor's annual leave account for the first leave year beginning after the date of election; or

(3) donating such leave in whole or part to another leave recipient as specified by the donor.

Annual leave not restored, including unallocated fractions, shall be eliminated.

f. All documentation pertaining to leave transfer and the use of donated annual leave (Leave Transfer Authorization Forms, Temporary Leave Transfer Program Worksheet/Log, related correspondence, and time and attendance records of the leave

recipient) shall be maintained by Payroll for three years following termination of the leave recipient's personal emergency.

9. Office of Primary Interest. Personnel Division, Office of Administration.

Charles F. Rinkevich
Director

Attachments (4) may be obtained from the Personnel Division.